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STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING



THOMAS D. WATKINS, JR.
SUPERINTENDENT OF
PUBLIC INSTRUCTION

TO: State Board of Education

FROM: Thomas D. Watkins, Jr., ~~Chairman~~ *Tom Watkins*

DATE: September 27, 2004

SUBJECT: Rescission of Policy Regarding Least Restrictive Environment and Inclusive Education Position Statement

In February, 1992, the State Board of Education adopted an Inclusive Education Position Statement (Attachment A) reaffirming The Educational Assignment of Handicapped Children and Youth to Separate Facilities: A Policy Regarding Least Restrictive Environment (Attachment B) adopted by the State Board of Education in January, 1984. Based on the reauthorization of the Individuals with Disabilities Education Act in 1997 (IDEA) and its implementing regulations in March of 1999, the Special Education Advisory Committee recommended that the 1992 document Inclusive Education Position Statement be revised.

At the meeting of the State Board of Education on August 10, 2004, the Board approved Procedures for Determining Least Restrictive Environment in Accordance with the Individuals with Disabilities Education Act, IDEA (Attachment C), based upon the recommendations of the Special Education Advisory Committee for revision to the Inclusive Education Position Statement. Because of this action, the Inclusive Education Position Statement, 1992, is outdated and should be rescinded.

It is recommended that the State Board of Education rescind the Inclusive Education Position Statement, February 1992 (Attachment A) and rescind The Educational Assignment of Handicapped Children and Youth to Separate Facilities: A policy Regarding Least Restrictive Environment (Attachment B) adopted by the State Board of Education in January, 1984.

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Inclusive Education Position Statement

**Michigan Department of Education
State Board of Education
February 1992**

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The Michigan State Board of Education complies with all Federal laws and regulations prohibiting discrimination and with all requirements and regulations of the U.S. Department of Education. It is the policy of the Michigan State Board of Education that no person on the basis of race, color, religion, national origin or ancestry, age, sex, marital status or handicap shall be discriminated against, excluded from participation in, denied the benefits of, or otherwise be subject to discrimination in any program or activity for which it receives financial assistance from the U.S. Department of Education.

Position Statement on Inclusive Education

This paper sets forth the position of the State Board of Education regarding the placement of students with handicaps in general education classrooms within general education facilities. This encompasses the emerging concept in the delivery of programs and services to students with handicaps known as inclusive education. Inclusive education should be integral to present efforts in P.A. 25, school improvement, school restructuring, and core curriculum which are attempting to enhance education for all students.

This paper reaffirms the 1984 policy (Attachment A) which served as a statement of commitment to increasing options for students with handicaps in general education facilities. Further, this paper serves as a statement of commitment to increasing opportunities for students with handicaps in general education classrooms within these facilities and to the integral involvement of parents in this process. It is the belief of the State Board of Education that program options created in general education classrooms will not only maximize the potential of students with handicaps, but also will assist in the preparation of both students with handicaps and students who are not handicapped for integrated community living.

For purposes of this paper, inclusive education is defined as follows:

The provision of educational services for students with disabilities, in schools where non-handicapped peers attend, in age-appropriate general education classes under the direct supervision of general education teachers, with special education support and assistance as determined appropriate through the individualized educational planning committee (IEPC).

This definition is congruent with the Michigan Department of Education's belief that all children should have the opportunity to be educated together, regardless of handicapping condition, in the school he or she would attend if not handicapped unless otherwise determined appropriate through the IEPC process.

As noted in the 1984 policy on least restrictive environment (LRE) concerning separate facilities:

It is the policy of the State Board of Education, pursuant to state and federal rules and regulations, that handicapped students are to receive their education in a chronologically age-appropriate, regular education environment unless an assignment of this type is determined to be inappropriate even with the provision of supplemental aids and services.

The determination of appropriate special education programs and services and the extent to which the student will participate in regular education programs shall be determined by the individualized educational planning committee and be based on the student's individual needs.

The provision of these services requires the availability of a full continuum of program options. Inclusive education, as defined by this paper, represents one of the options available on this special education continuum. The following provision from the 1984 policy on LRE is pertinent to the development of the position taken in this paper:

All school districts that operate or contract for special education programs should review their delivery system to ascertain if their current continuum contains options to meet the educational and social development needs of all their students. If program options are lacking in regular education environments, these options must be made available to serve the individual needs of students as determined through an individualized educational planning committee process.

During the process of formulating recommendations regarding educational programs and services for students with handicaps the IEPC must consider the following, in order, based on the individual needs of the student and using the 13-step process identified in the 1984 policy on LRE.

- 1 Full-time placement in the general education classroom with special education support services.
2. Split-time placement in the general education classroom and a special education classroom program if it can be demonstrated that even with the provision of supplemental aids and services the handicapped student cannot be appropriately educated on a **full-time** basis in the regular classroom setting.
3. Full-time placement in special education program within a general education facility if it can be demonstrated that the student cannot be adequately educated in the split time setting.
4. Assignment to a separate facility as discussed in the 1984 policy on LRE.

Summary: It is the policy of the State Board of Education, pursuant to state and federal requirements, that students with handicaps must be educated with their nonhandicapped peers to the maximum extent appropriate to meet their individual educational needs and potential. So that this may be realized, it is essential that program options be available in general education classrooms within our general education facilities. Further, a process must be followed by the individualized educational planning committee which will assure that the recommended assignment option is appropriate to the individual needs of each student. **Education assignments are not to be based on the label describing the student's handicap or the availability of programs.**

The 1984 policy on least restrictive environment sets forth this statement of principle and provides a course of action for school districts to follow.

It is believed that adherence to the contents of this paper by Michigan's public schools will assure an educational environment that is appropriate for serving the individual needs of each of Michigan's students with handicaps, as well as foster the preparation of all youth for a lifetime of integrated community living.

Recommendations Proposed

The State Board of Education shall direct the Michigan Department of Education to form a referent group of consumers and providers to develop specific recommendations for needed changes in policy, funding, and legislation to insure availability of an inclusive education option for students with disabilities in Michigan. Recommendations are to be brought back to the State Board of Education within one year. These recommendations will minimally address the following issues:

- 1. An analysis of current funding of special education programs and services to determine the implications for inclusive education.**
- 2. An analysis of general and special education rules, regulations, and policies to determine the implications for inclusive education.**
- 3. Higher education and state certification of general education and special education personnel.**
- 4. Inservice training and technical assistance to all personnel and other appropriate groups.**
- 5. Full special education continuum of programs and services as part of the school improvement process.**
- 6. Research and evaluation of the impact of inclusive education on general and special education.**
- 7. Identification and dissemination of models of inclusive education at all school levels including teacher preparation and staff development training models.**

THE EDUCATIONAL ASSIGNMENT OF
HANDICAPPED CHILDREN AND YOUTH
TO SEPARATE FACILITIES:

A POLICY REGARDING LEAST RESTRICTIVE ENVIRONMENT

Michigan Department of Education
State Board of Education
January 10, 1984

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INTRODUCTION

This paper sets forth the policy of the State Board of Education regarding the educational assignments of special education students into separate facilities.

The content of this policy paper reflects significant efforts to collect and analyze program information, review state and federal regulations, survey Michigan's delivery system, review pertinent literature, and consider the opinions of parents, administrators, teachers, ancillary service providers, and others involved in the education of handicapped students. It gives direction to school districts for determining appropriate educational placements for their students and describes a process that should assure placement in an environment that is most conducive to a student receiving an education designed to develop his/her maximum potential.

This policy serves as a statement of commitment to increasing program options for handicapped students in regular education facilities. It is the belief of the State Board of Education that program options created in regular education facilities will not only maximize the potential of handicapped students for whom this environment is appropriate but also will assist both handicapped and nonhandicapped students for integrated community living.

The State Board of Education perceives the issue of appropriate educational placement of special education students as one of importance to all: the Department of Education, local and intermediate school districts, statewide organizations, parents, and students.

POLICY STATEMENT

This policy shall apply to any and all agencies responsible for the provision of special education programs and services pursuant to Article 3 of P.A. 451 of the Public Acts of 1976.

It is the policy of the State Board of Education, pursuant to state and federal rules and regulations, that handicapped students are to receive their education in a chronologically age-appropriate, regular education environment unless an assignment of this type is determined to be inappropriate even with the provision of supplemental aids and services

The determination of appropriate special education programs and services and the extent to which the student will participate in regular education programs shall be determined by the individualized educational planning committee and be based on the student's individual needs. Assignment decisions shall not be based on the label describing the student's handicap or the availability of programs.

Whenever a student is considered for assignment to a separate facility, (this being a facility utilized solely for the education of handicapped students) the individualized educational planning committee should exercise its authority to formulate an assignment recommendation after discussion of options based upon student needs. The superintendent responsible for assignment of the student shall consider the individualized educational planning committee recommendation before making the assignment to a facility where the appropriate programs and services are to be delivered.

A separate facility may be an appropriate educational environment for some students. Assignment to this type of facility should be carried out only after the individualized educational planning committee has determined

extent to which the student will participate in regular education programs and has discussed and documented assignment alternatives based on student's needs in the cognitive, affective, and psychomotor domains in both curricular and extra-curricular areas. As part of this process, the individualized educational planning committee is expected to discuss the socialization benefits to be accrued by the handicapped student as well as by nonhandicapped students.

All school districts that operate or contract for special education programs should review their delivery system to ascertain if their current continuum contains options to meet the educational and social development needs of all their students. If program options are lacking in regular education environments, these options must be made available to serve the individual needs of students as determined through an individualized educational planning committee process.

RESPONSIBILITIES OF THE INDIVIDUALIZED EDUCATIONAL PLANNING COMMITTEE

The individualized educational planning committee is the forum for discussion of appropriate placement alternatives. This committee is minimally composed of a representative of the public agency who is responsible for the student's education, the student's teacher, the parent(s), and others at the discretion of the school district or parent. A representative of the multidisciplinary evaluation team must participate in the initial and three year reevaluation individualized educational planning committee meeting.

The individualized educational planning committee has or can obtain by rule (R 340.1722c) diagnostic information that can assist the committee in fully understanding the student's needs. This committee must, by law, make decisions of eligibility, of appropriate programs/services, and the extent to which the student is able to participate in regular education programs

(R 340.1721e). This committee may make recommendations concerning where these appropriate program/services shall be provided (R 340.1721d).

In assigning handicapped students to educational programs and services it is expected that:

First, consideration be given to educating handicapped students with nonhandicapped students in the regular education classroom (R 340.1721e).

Second, if regular education classroom placement is not appropriate to the individual needs of the handicapped student, then consideration shall be given to assigning the student to a special education program in a regular school setting.

Third, and only if it can be demonstrated that even with supplemental aids and services the handicapped student cannot be educated in the regular school setting, is assignment to a separate facility deemed to be appropriate.

Fourth, if a separate facility is deemed to be appropriate, the handicapped student must be provided the opportunity to participate with nonhandicapped students in nonacademic and extracurricular activities to the maximum extent appropriate to the handicapped person's needs (R 340.1722).

The following 13 step process is recommended to assist the individualized educational planning committee and the public agencies in making decisions which adhere to the principles of least restrictive environment. It is not intended to identify all the responsibilities of the individualized educational planning committee. It is possible for the entire 13 step process to occur at the individualized educational planning committee meeting. However, the public agency and the parent have time lines for consideration of individualized educational planning committee decisions and recommendations and for notifying each other of the appropriateness of these decisions.

13 STEP PROCESS

1. The individualized educational planning committee determines the student's eligibility for special education.
2. The individualized educational planning committee discusses and identifies the specific cognitive, affective, and psychomotor needs of the student.

3. The individualized educational planning committee determines the extent to which the student is able to participate in regular education programs.
4. The individualized educational planning committee determines the specific special education and related services necessary to address the needs identified in step 2. These must be identified by rule number and title.
5. The individualized educational planning committee asks what opportunities and/or resources exist in the regular education facility that allows these needs to be met.
6. The individualized educational planning committee asks what opportunities and/or resources exist in the separate facility that allows these needs to be met. The committee should ask if these opportunities and/or resources can be established and provided to the student in a regular education facility. If they can, assignment to the regular education facility should be favored subject to a discussion of item 7.
7. The individualized educational planning committee discusses any potential harmful effects in the social, educational, or psychomotor areas or in the quality of services the student needs if assignment is made to a separate facility or a regular education facility.
8. The individualized educational planning committee decides if it will make a recommendation of where the programs and services may most appropriately be provided. If they do choose to make this recommendation, the individualized educational planning committee should document the results of its discussion of steps 5-7. In so doing the individualized educational planning committee should identify its recommended facility explaining why the facility is being recommended. It should also identify other facilities that were considered and why they were rejected.
9. If the individualized educational planning committee decides not to make a specific assignment recommendation to the superintendent, it will include documentation of items 5-7 in order for the superintendent to make appropriate assignment decisions. Facilities considered and reasons for consideration and rejection of specific facilities should also be provided to the superintendent in order for the notice requirements [R 340.1723(1)(b)] to be met.
10. The individualized educational planning committee's report and accompanying material is forwarded to the superintendent or designee.
11. The superintendent reviews the report and considers the facility options discussed and the rationale for rejecting any options. He/she considers the recommended facility if a recommendation is offered and makes an assignment decision.
12. The parent is then notified pursuant to R 340.1723a and R 340.1723b. The superintendent is required to inform the parent of the public agency's intent to implement the individualized education program, to identify where these programs and services will be provided, and when they will begin. (R 340.1722a).

13. The parent receives the notice and either requests a hearing relating to eligibility, the individualized education program, or the assignment decision of the superintendent or chooses to accept the school district's implementation plan as being appropriate.

The superintendent's assignment of a student to a separate or a regular education facility shall not be viewed as a permanent assignment decision. The individualized educational planning committee at each annual review meeting should review the educational assignment and follow the 13 step process in order to assure that assignment decisions are appropriate.

STATE BOARD OF EDUCATION ADVICE TO SCHOOL DISTRICTS AND DIRECTIVES TO SPECIAL EDUCATION SERVICES

The State Board of Education advises that:

1. All school districts should review and involve the community to determine if the educational practices currently in operation prepare both their handicapped and nonhandicapped students for integrated community living.
2. All school districts should:
 - A. Assess their current delivery system to ascertain if their current continuum contains options to meet the educational and social development needs of all their students; and
 - B. Provide opportunities for interaction between handicapped students and nonhandicapped students.
3. If the assessment of the current delivery system (2A above) indicates that program options are lacking in regular education environments, then these options must be made available to serve the unique needs of students as determined through the individualized educational planning committee process.

The State Board of Education directs Special Education Services to:

1. Offer guidance and support to school districts as they provide program options for students.

2. Assist in the development of intermediate school district plans and to review these plans to assure consistency with this policy.
3. Provide leadership and support for inservice to special education and regular education teachers in developing skills needed in order to facilitate this policy.
4. Identify exemplary programs and create avenues for interaction between our school district leaders and persons associated with these exemplary programs.
5. Conduct a survey of the districts during the 1985-86 school year to determine if there have been changes in the number of programs available in regular education settings. The survey should include the number of students for whom placement reviews were conducted, the number of students whose placements were changed, the number of new placements, and the number of students in separate facilities who had no change in placement as a result of the review.

CONCLUSION

It is the policy of the State Board of Education, pursuant to state and federal requirements, that handicapped students must be educated with their nonhandicapped peers to the maximum extent appropriate to meet their individual educational needs and potential. So that this may be realized, it is essential that program options be available in regular education facilities within our school districts. Further, a process must be followed by the individualized educational planning committee which will assure that the recommended assignment option is appropriate to the individual needs of each student.

The policy statement presented by the Board sets forth this statement of principle and provides a course of action for school districts to follow. Michigan has long been a national leader in serving handicapped students.

In this light, the State Board of Education asks for a statewide effort to reassess our delivery system relative to educational placement of our children and youth and to work toward increased, meaningful interaction between all students in public education.

It is believed that an adherence to this policy by Michigan's public schools will assure an educational environment that is appropriate for serving the individual needs of each of Michigan's handicapped students.

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January, 1984

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**Procedures for Determining the Least Restrictive Environment
in Accordance with the Individuals with Disabilities Education Act (IDEA)
August 10, 2004**

This paper sets forth the position of the Michigan State Board of Education regarding the placement of students with disabilities in general education programs within general education facilities. This encompasses the concept in the delivery of programs and services to students with disabilities known as inclusive education. Inclusive education should be integral to efforts in P.A. 25, school improvement, school restructuring, and core curriculum to enhance education for all students.

This paper serves as a statement of commitment to increasing opportunities for students with disabilities in general education classrooms within these facilities and to the integral involvement of parents in this process. It is the belief of the State Board of Education that special education and related services created in general education classrooms will not only maximize the potential of students with disabilities, and students who are not disabled for integrated community living.

For purposes of this paper, inclusive education is defined as follows:

The provision of educational services for students with disabilities, in schools where peers without disabilities attend, in age-appropriate general education programs under the direct supervision of general education teachers, with special education support and assistance as determined appropriate through the individualized education planning team (IEPT).

This definition is congruent with the Michigan Department of Education's belief that all children should have the opportunity to be educated together, regardless of disability, in the school he or she would attend if not disabled unless otherwise determined appropriate through the IEPT process.

The federal regulations at 34 CFR §300.347 and §§300.550 to 300.556 delineate the rights of students with disabilities to a placement in the least restrictive environment. (Attached)

These regulations state (in part) the following:

That to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled; and

That special classes, separate schooling or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

Each public agency shall ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services.

The continuum... must — Include the alternative placements listed in the definition of special education under §300.26 (instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions); and

Must make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.

It is the policy of the State Board of Education, pursuant to state and federal requirements, that students with disabilities must be educated with their nondisabled peers to the maximum extent appropriate to meet their individual educational needs and potential. So that this may be realized, it is essential that options be available in general education programs within our general education facilities. Further, a process (see LRE placement considerations) must be followed by the individualized educational planning team which include an explanation of the extent to which the student will not participate with nondisabled students in the general education program, in extracurricular and other nonacademic activities. Education assignments are not to be based on the label describing the student's disability or the availability of programs.

It is believed that adherence to the contents of this paper by Michigan's public schools will assure an educational environment that is appropriate for serving the individual needs of each of Michigan's students with disabilities, as well as foster the preparation of all youth for a lifetime of integrated community living.

Least Restrictive Environment (LRE) Placement Considerations

The State Board of Education is in agreement with the following statement taken from S.Rep. No. 105-107, p.20; H.R. Rep. No 105-95, p.99 (1997):

The Committee wishes to emphasize that once a child has been identified as being eligible for special education, the connection between special education and related services and the child's opportunity to experience and benefit from the general education curriculum should be strengthened. The majority of children identified as eligible for special education and related services are capable of participating in the general education curriculum to varying degrees with some adaptations and modifications. This provision is intended to ensure that children's special education and related services are in addition to and are affected by the general education curriculum, not separate from it.

The State Board of Education supports the use of the following 10 step process in determining the educational placement of all students with disabilities.

1. The student's eligibility for special education is determined by the individual educational program team (IEPT).
2. The student's specific educational needs (cognitive, affective, and psychomotor) are identified and discussed by the IEPT.
3. The specific special education and related services necessary to address the student's needs identified in step 2 are determined by the IEPT. These programs and services must be identified by rule number and provider title.
4. The IEPT should give first consideration to the appropriateness of placement in the general education environment with modifications and supports. The full continuum of services will be considered without regard to current availability.
5. The extent to which the student will not participate in general education programs is determined by the IEPT.
6. In selecting the LRE, consideration is given to any potential harmful effects on the student or on the quality of services that he/she needs (300.552d).
7. A determination of where the programs and services may most appropriately be provided, including consideration of placement as close as possible to the child's home, may be made by the IEPT.

8. If the IEPT does not make a specific facility determination, documentation of the placement considerations will be forwarded to the Superintendent. The Superintendent will review the placement considerations and make a determination of where and when the programs and services will begin.
9. In either case, the Superintendent is then required to inform the parent of the public agency's intent to implement the individualized education program, to identify where those programs and services will be provided, and when they will begin (R 340.1772a).
10. Upon receiving written notice, the parent then has a reasonable time to 1) accept the Superintendent's decision as appropriate, 2) request mediation and/or a hearing related to eligibility, the individualized education program, or the placement decision, or 3) request another IEP.